

Notice of Allowability

Application No.

10/815,132

Examiner

Olga Asinovsky

Applicant(s)

DUNLAP ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/08/2006.
2. ☒ The allowed claim(s) is/are 1-5 and 7-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 3/31/2004 & 9/06/2005.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. There was a restriction requirement in the present claims for Group I, claims 1-8 for a vibration absorbing device comprising a rubber vibration absorbing element comprising a peroxide cured rubber composition, and Group II, claims 9-15 for a cured rubber composition.

(1) Response to Arguments

3. Applicant's arguments, see Amendment and Remarks, filed September 08 2006, with respect to the restriction requirement have been fully considered and are persuasive.

Since the issue of the invention is a rubber composition, all claims 9-15 previously withdrawn from consideration have been rejoined. The restriction of claims 9-15 has been withdrawn. The cured rubber composition in claims 9-15 has been examined.

Applicants amend claim 1 by including the definition of isobutylene or butene polymer having a viscosity average molecular weight in the range from about 50,000 to about 1,250,000 and having less than about 1 mole % unsaturation. Thereby, the claimed invention is a rubber vibration absorbing element (composition) comprising 100 parts of ethylene-alpha-olefin elastomer and 20 to 100 parts of substantially isobutylene or butene polymer having high viscosity average molecular weight and having less than about 1 mole% unsaturation.

Art Unit: 1711

Applicants amend independent claim 9 by including that isobutylene or butene polymer has a viscosity average molecular weight above about 50,000, wherein said high viscosity isobutylene or butene polymer has a benefit for increasing the vibration damping character of the composition as indicated by an increase in $\tan \delta$ of at least about 100% at 120 C.

Upon reviewing the evidence of record it was found that none of the references to Dunlap US 2002/0162627, Born et al Patent 6,361,643 and Andra et al Patent 4,961,254 discloses isobutylene or butene polymer having a viscosity average molecular weight in the range from about 50,000 to about 1,250,000 and having less than about 1 mole% unsaturation.

Meanwhile, a new search has been made.

New references are U.S. Patent 4,671,996 to Cantor and Koblitz et al U.S. Patent 5,844,021. None of these references discloses a high molecular weight polyisobutylene or butene polymer having the specified molecular weight in the amended claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

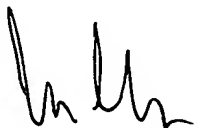
Art Unit: 1711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Olga Asinovsky
Examiner
Art Unit 1711

J.A.
November 01 2006


James J. Seidleck
Supervisory Patent Examiner
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